

Message Text

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SUBJ: CONSTITUTION OF NEW STATE OF RIO DE JANEIRO PROMULGATED
EVENING JULY 23, 1975. IT WILL ENTER INTO FORCE ON DATE
OF ITS PUBLICATION IN OFFICIAL RECORD OF STATE ASSEMBLY
(PERHAPS AS EARLY AS JULY 24). JUSTICE MINISTER FALCAO
REPRESENTED PRESIDENT GEISEL AT THE CEREMONY AND READ A
PRESIDENTIAL MESSAGE REITERATING FEDERAL GOVERNMENT'S SUPPORT
OF THE CREATION OF BRAZIL'S NEWEST STATE.

2. PROMULGATION CULMINATED FOUR MONTHS OF DEBATE IN CONSTITUENT
ASSEMBLY. DURING FIRST TWO AND ONE HALF MONTHS, THREE DIFFERENT
DRAFTS PREPARED BY DISTINGUISHED LAWYERS WERE EXAMINED IN
DESULTORY MANNER. FINAL MONTH AND A HALF OF DEBATE WAS
MARKED BY INTENSE POLITICAL ACTIVITY AND REJECTION OF THE
THREE DRAFTS. ULTIMATELY, THE FEDERAL GOVERNMENT BECAME INVOLVED.
JUSTICE MINISTER FALCAO TRAVELLED TO RIO DE JANEIRO SEVERAL
TIMES FOR DISCUSSIONS WITH STATE DEPUTIES AND POLITICAL LEADERS
AND, TOWARD THE END, PRESIDENT GEISEL MET WITH PRESIDENT OF
THE CONSTITUENT ASSEMBLY.

3. THE CONSTITUTION AS PROMULGATED WAS PREPARED BY A DRAFTING
COMMITTEE OF THE CONSTITUENT ASSEMBLY. TEXT ITSELF WAS NOT
THE MAJOR CAUSE OF DIFFERENCES BETWEEN THE CONSTITUENT ASSEMBLY
ON THE ONE HAND AND GOVERNOR FARIA LIMA AND THE FEDERAL GOVERNMENT
ON THE OTHER. AT ISSUE WERE THE SO-CALLED TEMPORARY CLAUSES
(DISPOSICOES TRANSITORIAS) WHICH CONCERNED PRIMARILY THE CIVIL
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SERVICE OF THE NEW STATE. SINCE PATRONAGE IS A KEY ELEMENT IN

STATE POLITICS, CONSTITUTENT ASSEMBLY MEMBERS TRIED REPEATEDLY TO PROTECT INTERESTS OF STATE EMPLOYEES. GOVERNOR FARIA LIMA OPPOSED THOSE TEMPORARY CLAUSES WHICH EITHER INCREASED STATE BUDGET OR HEAVILY ENCUMBERED THE EXECUTIVE BRANCH'S FREEDOM OF ACTION.

4. NEW CONSTITUTION CONSISTS OF 250 ARTICLES AND IS REPORTEDLY THE LONGEST STATE CONSTITUTION IN BRAZIL. MOST OBSERVERS, INCLUDING MEMBERS OF THE CONSTITUENT ASSEMBLY, CONCEDE THAT NEW CONSTITUTION CONTAINS "IMPERFECTIONS" THAT REFLECT ITS OCCASIONALLY MINUTIOUS ATTENTION TO DETAIL AND ITS SOMEWHAT HURRIED AND ECLECTIC COMPOSITION. HOWEVER, IT ALSO INCLUDES SOME NOTEWORTHY INNOVATIONS, INCLUDING ATTENTION TO THE ENVIRONMENT AND THE QUALITY OF CITY LIFE. DESPITE DISSUASIVE EFFORTS OF THE STATE AND FEDERAL GOVERNMENT, NEW CONSTITUTION DOES INCLUDE A FEW CLAUSES WHOSE CONSTITUTIONALITY GOVERNOR FARIA LIMA IS EXPECTED TO TEST IN THE SUPREME FEDERAL TRIBUNAL. IN ADDITION, THE CLAUSES CONCERNING THE FUNCTIONING OF THE EXECUTIVE BRANCH AND CIVIL SERVICE ARE SO DETAILED THAT SOME LEGISLATORS FORESEE THAT CONSTITUTION WILL NEED REVISION IN THE NOT-TOO-DISTANT FUTURE.

5. UNTIL NEW CONSTITUTION GOES INTO FORCE, GOVERNOR FARIA LIMA WILL CONTINUE TO GOVERN BY DECREE LAW. IN THE 24 HOURS PRIOR TO THE PROMULGATION OF THE CONSTITUTION, THE GOVERNOR SIGNED CLOSE TO 300 DECREES DESIGNED TO SET FIRMLY THE IMPRINT OF HIS GOVERNMENT ON THE NEW STATE.

6. THE CITY OF RIO DE JANEIRO WILL NOT HAVE A CITY COUNCIL UNTIL 1977, FOLLOWING NATION-WIDE MUNICIPAL ELECTIONS OF 1976. IN THE INTERIM, STATE ASSEMBLY WILL HAVE CERTAIN WATCH-DOG RESPONSIBILITIES OVER CITY ADMINISTRATION. BECAUSE STATE GOVERNMENT STILL CONTINUES TO OWN AND CONTROL IMPORTANT FACILITIES LOCATED WITHIN CITY LIMITS, FOR THE FORESEEABLE FUTURE, CITY ADMINISTRATION, TO SOME EXTENT, WILL BE SHARED BETWEEN RIO DE JANEIRO PREFECT MARCOS TAMOYO AND GOVERNOR FARIA LIMA.

7. MORE DETAILS AND COMMENTS BY AIRGRAM.

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